



PUBLIC DEFENDER NEWS

Forging Ahead

Rhonda Schaffer, Director

I hope your holidays were merry and bright and that you had time with family and friends.

We are about to embark on the 2021 legislative session, and it will be exciting and challenging at the same time. The OPD annual report is complete and will be sent to all employees, contractors, and legislators. This report will tell “our story,” provide accurate statistics, and educate readers about our successes and challenges. There will be words from our staff to describe the impact OPD has had on the lives of our clients. This is an opportunity to educate our stakeholders on the work of public defense and inspire continued progress.

The Management Team continues to work with the budget and the governor’s office on items that may have an impact on OPD. We will take each day as it unfolds.

Following Carleen’s departure in mid-December, the Management Team met to decide how to move forward. Travis agreed to absorb some of Carleen’s duties on an interim basis. Tyna and Brett will take on other duties. When the legislative session is over, we will look at how best to fill the position to meet the agency’s needs.

Thank you for all that you have done in the last year working through COVID and the challenges it brought. Here’s to a healthy and safe 2021.

Happy New Year.

Rhonda



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Special points of interest

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Sharing the Love in Great Falls

Claire Lettow

The OPD family is a big one, and some offices are lucky enough to have extended family to support us. The Great Falls office is blessed to have an “Office Mom” who cooks lunch for us every other week! My mother, Terri, started catering a lunch for Great Falls OPD every other Friday as her way to show support for the good work we do. Everyone pitches in a couple bucks to help cover cost and Terri donates her time and energy coming up with a new theme each time. So far, Terri has done BBQ, Italian, Chinese, and Greek! Of course, everyone washes up, masks up, dishes up, and then scatters to their respective offices to be COVID-conscious.

It’s been a good way to share some of the camaraderie we’ve been able to maintain during this weird year. And If you find yourself in Great Falls on a Friday check in with us to see if it’s a lunch week!



The Greek spread was amazing!

Legislative Session Resources

Although OPD did not request any bills for the 2021 Legislative Session, we will be following introduced bills closely for those impacting agency operations, workload, or our clients. We are also required to provide materials to the Legislature as requested.

If you are interested in lobbying or following the session on your own time, you might find these resources of interest.

- [OPD Legislative Materials](#)
- [Legislative Fiscal Division’s OPD Profile](#)
- [2021 Session Home Page](#)
- [Search Bills in LAWS](#)

Did You Know?

NAPD Membership

All OPD employees have membership in the [National Association for Public Defense](#). Contact the Training office for additional information.

2019 MCA

The searchable electronic folio version of the 2019 MCA is available for download from the OPD Software Center (link on your desktop). The MCA is also available [online](#), and code books can be purchased on the Legislative Services [website](#).

Old MCAs Available Online

Looking for a previous version of the Montana Code Annotated? Maybe even one older than OPD? The Montana Legislature has versions going back to 1995 on their [website](#).

Interpreter Services

The State of Montana has a contract with CTS Language Link for interpreter services. OPD employees can access the information on OPD’s [intranet](#) site.

Hands-Only CPR

Learn how to save a life with your bare hands with this Hands-Only CPR [video](#). You can also find local classes on DPHHS’s Montana Heart Rescue [page](#), or print an instructional poster for your office (see page 6).



A Pioneer for Female Defense Attorneys Retires

Walt Hennessy and Mary Miccio

The Butte OPD office will never be the same as of 5:00 p.m. on December 18, 2020. That is the day Deirdre Caughlan retired. Deirdre is a Montana native raised in Bozeman. She graduated from the University of Montana School of Law in 1978 and has been a fixture in the Butte office since it opened in July 2006.

Deirdre has had a long and interesting career. The major focus of that career has been defense, especially indigent defense. This would seem to be somewhat of an oxymoron when you look at the beginning of her career, as she started as a prosecutor in the Butte-Silver Bow County Attorney's Office. However, that was a short-lived job of 23 months. After that she was fond of describing herself as a "recovering prosecutor." Over the past several years, she has said she is no longer "recovering" but a "recovered prosecutor."

From the Deputy County Attorney's job, she went into private practice in Butte. Shortly after entering private practice she and another former Deputy County Attorney, Laura Lee Dunlap, formed the firm of Dunlap and Caughlan. Deirdre and Ms. Dunlap were bankruptcy trustees for the then bankruptcy Judge, the Honorable John L. "Jack" Peterson, but trustee work was only a portion of their practice. From the day she went into private practice, Deirdre also focused on criminal law. She was always involved in indigent defense, as she worked as a court appointed and contracted public defender for Silver Bow County, was on the CJA panel for the Federal District of Montana, and worked for the Honorable Ted Mizner, who oversaw the public defense contract for Montana State Prison. When Deirdre was chosen for the contract at the Prison, Sherry Petrovich-Staedler inquired of Judge Mizner regarding his "rule" of "no women defense attorneys at the prison?" Judge Mizner simply answered, "Have you ever met Deirdre Caughlan?!" Deirdre held the prison contract for a number of years and was one of three contract public defenders for Butte-Silver Bow at the time OPD was formed.



Photo courtesy Montana Standard

From the time she took up public defense work in approximately 1980 until her retirement, Deirdre has embodied what and who a public defender should be. She has been a fierce advocate for not only her clients but the Constitution and principles this county was founded on. She believes everyone is entitled to have their rights protected regardless of socio-economic status. She knows that if those rights were not equally applied to all, our democracy could not exist. She fought hard every day for those principles, and in the process made a positive impact on thousands of lives.

*Deirdre
calls
herself a
"recovered
prosecutor."*

Deirdre and her family were always staunch supporters of the ACLU. In fact, Deirdre was a guest speaker at the ABA convention in Seattle in the Fall of 2002, for the Gideon Anniversary, as a direct result of her involvement with the ACLU.

Deirdre will be sorely missed, not only in the Butte OPD office but by the Criminal Defense Bar throughout the State of Montana.

We wish her well in her retirement and hope she has many happy years with her children and grandchildren.

THE FUTURE'S SO BRIGHT . . .

Brian Smith, Public Defender Division Administrator

By the time you read this we will either have said good riddance to 2020 or we will be about to. The grass must be greener in 2021. You can pick up your 2020 merit badges at your respective front desks.



However, we learned a few things in 2020. We learned we can answer the office phone from home. We learned we do not have to be physically present in the same office to be connected. We learned that court appearances can happen remotely. We learned we can have video conferences with our clients, some in custody and others out. The challenge in 2021 will be how to use these newfound skills and tools to benefit our clients and better our agency. The start of 2021 will not be rainbows and unicorns, but we can see the light from here.

Personally, I am excited for what 2021 will bring. There will be a legislative session where many laws will be considered, and some good ones might even pass. I have my fingers crossed for no new capital cases and it looks like *State v. Barrus* will get through trial this Spring. We are almost fully staffed in some areas where that has historically been an issue. We'll have a new case management system sometime in the summer and it will be an all-hands job to get the migration accomplished. Operations will lean heavily on IT and vice-versa. The Public Defender Division will be piloting a super-regional position in regions 1, 2, and 5 (Kalispell, Missoula and Butte) with the hopes that we can improve our business processes and respond to legislative audit recommendations. The agency's divisions are looking forward to this project with the goal of cooperation. The future is bright.

In the meantime, stay safe and be well. Take care of yourself and be kind to your neighbors. See you in 2021.

SO LONG, ED

Dan Miller, Conflict Defender Division Administrator

Ed Sheehy began his career as a public defender in Lewis and Clark County around 1980. In those days public defenders were paid \$25 per hour to work cases including homicide cases. Ed's work included representing clients in Federal cases. Over the years Ed has represented clients in 10 death penalty cases.

When OPD was formed in 2006 Ed was selected to be the Regional Deputy in Missoula and he served in that capacity until 2010. His next career move was to OPD's Major Crimes Unit. He then worked in the Training Department from 2012 to 2014 where he handled sentence review. After working as a line attorney in Butte for a few years, in 2018 Ed became the first managing attorney for Conflict Division Region A in Missoula. Ed's remarkable career in public defense comes to a close this month.

Please join me in wishing Ed a long and relaxing retirement. He will be greatly missed by all of us at OPD and a great many members of the legal community.



Photo courtesy Billings Gazette

OUR MISSION

We provide effective professional legal services with equal access to quality client-centered representation.

OUR VISION

As trained legal professionals we strive to represent our clients in an effective and efficient manner to ensure a more fair and balanced justice system. We are dedicated and committed to improving overall outcomes for our clients and addressing the conditions that led to their involvement with the justice system.

Depression is Treatable. Suicide is Preventable.

Montana remains among the states with the highest suicide rate in the country. Suicide is the tenth leading cause of death in the US, and the sixth leading cause of death in Montana, giving many Montanans firsthand experience as suicide survivors.

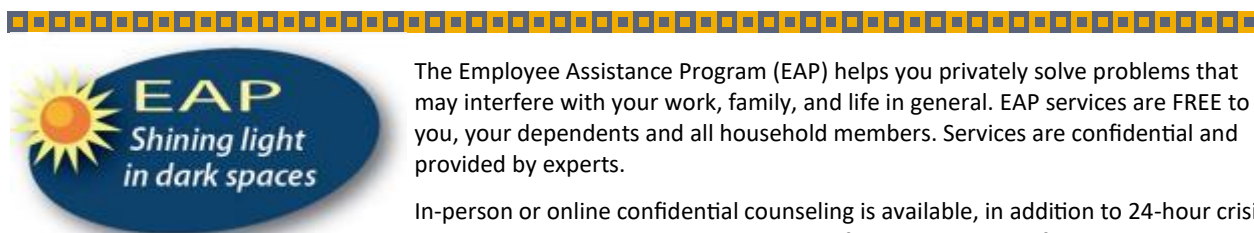
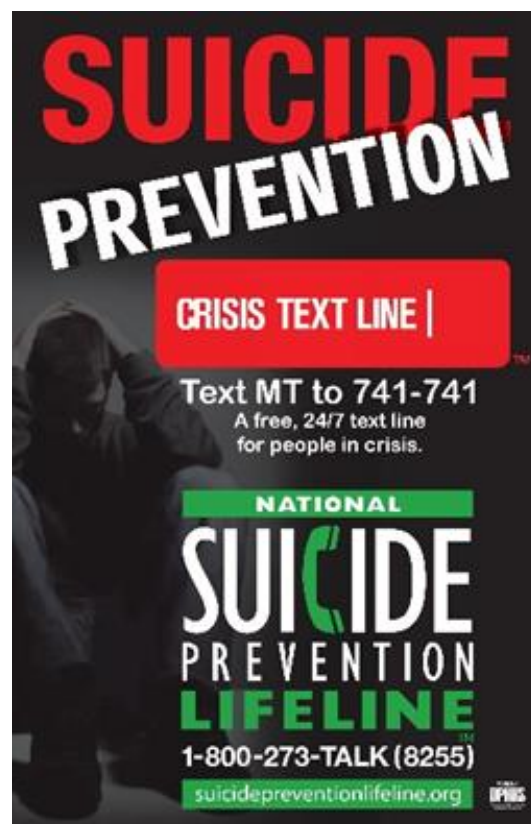
Our challenges are many, even before we consider pandemic isolation—we're sparsely populated with few mental health providers, we have a strong gun culture, high rates of alcohol consumption, and a "cowboy up" mentality. In addition, long dark winters and high altitude have been linked to depression. How do we contend with this statewide health crisis?

One of the best ways to help prevent suicide is to get involved. If you are concerned about a friend or coworker, listen carefully. Let them talk about their feelings and don't be afraid to mention suicide. If they are suicidal, take them seriously. Don't ask "why" questions that might make a person defensive. Ask if they have a plan, and be prepared to listen in a non-judgmental way. Never agree to keep a secret and never leave a suicidal person alone. Here are some [examples](#) of how to have these difficult conversations. Finally, take the person to someone who can help, call the Suicide Prevention Lifeline (800-273-8255), text MT to 741 741, or call 911.

For more information, you can view the State of Montana's [suicide prevention training](#), check out the myriad resources on the DPHHS [website](#), or contact the Employee Assistance Program at 444-1345, or eap@mt.gov.

Three Steps to Saving a Life

1. Ask the question
2. Provide hope
3. Take them directly to help



The Employee Assistance Program (EAP) helps you privately solve problems that may interfere with your work, family, and life in general. EAP services are FREE to you, your dependents and all household members. Services are confidential and provided by experts.

In-person or online confidential counseling is available, in addition to 24-hour crisis help. Counselors can help with a variety of problems such as family, parenting, relationship, stress, anxiety and other challenges.

The EAP also offers resources on childcare, eldercare, legal and financial services, mediation, home ownership and identity theft. Explore the many services they offer, including a recorded webinar on suicide prevention.

For more information, click [here](#), or contact the EAP staff at 444-1345, or eap@mt.gov

IF SOMEONE SUDDENLY COLLAPSES...



CALL 911

- Shake the person and shout, "Are you OK?"
- If others are with you, tell them to call 911 and find an AED
- If alone, call 911 and listen for further instructions.



PUSH HARD & FAST ON CHEST

- If the person is unconscious and not breathing normally (gasping, moaning), lie them on the floor face up
- Place one hand on top of the other on the center of the chest
- With straight arms, push **HARD** and **FAST** at a rate of 100 times per minute, allowing the chest to recoil each time
- Keep pushing until help arrives



USE AN AED

- If an AED is available, turn it on and follow the instructions
- Otherwise, continue CPR until help arrives.

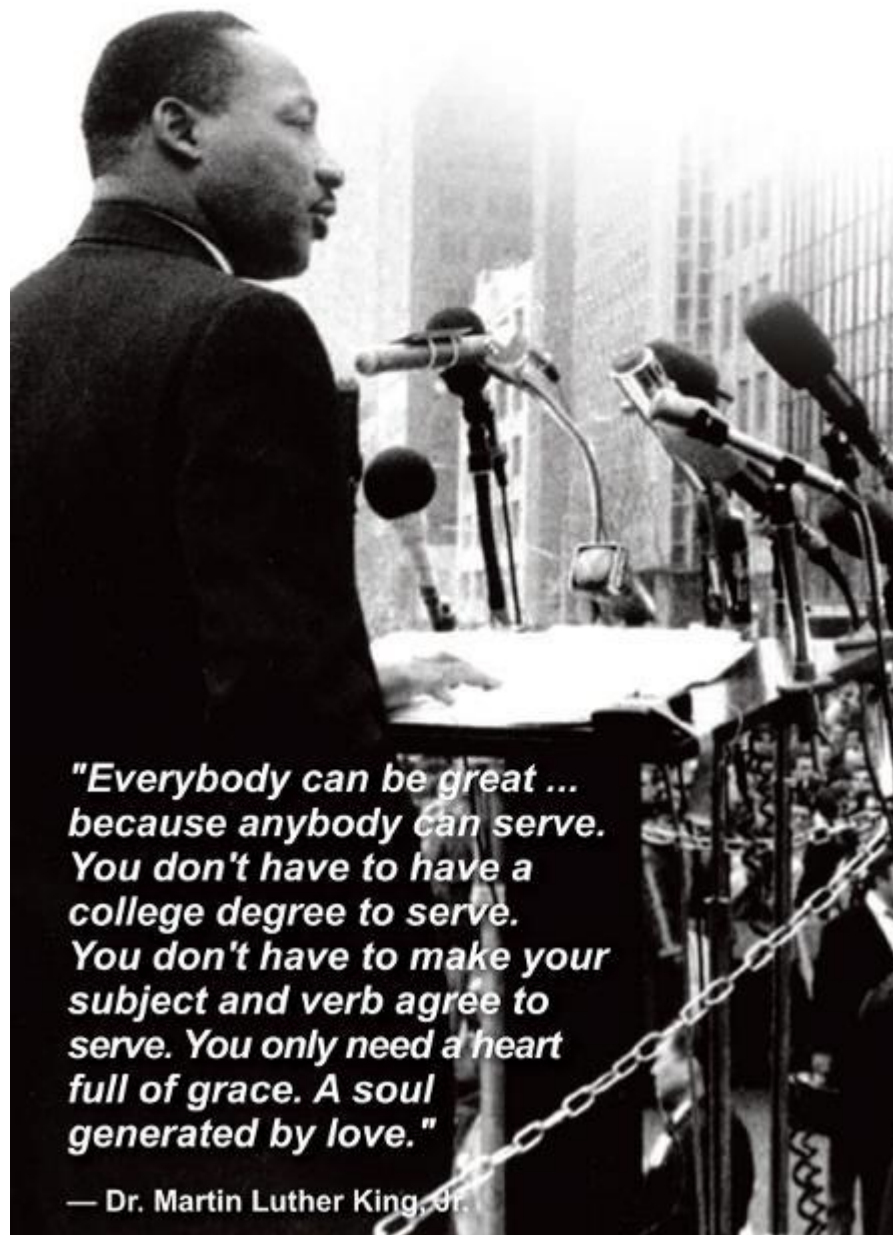
NOTE: For unconscious children (age 8 or under), or for adult victims of drowning or choking, start regular CPR by pushing 30 times on the center of the chest followed by 2 mouth-to-mouth breaths. However, even in those cases, hands-only CPR is better than doing nothing.

Join others in your community and learn Adult Hands-Only Bystander CPR. The classes are free and take less than an hour. You can save someone's life.

Find classes in your area at <http://dphhs.mt.gov/publichealth/EMSTS/cardiaready/MontanaHeartRescueCPRTraining>

"It is not possible to be in favor of justice for some people and not be in favor of justice for all people."

Martin Luther King Jr.



"Everybody can be great ... because anybody can serve. You don't have to have a college degree to serve. You don't have to make your subject and verb agree to serve. You only need a heart full of grace. A soul generated by love."

— Dr. Martin Luther King, Jr.